IN THE PARLIAMENT HALDIN AT EDINburgh, the aucht day of Iunii, 1594. Thir Lawis, Statutis and Constitutions, maid and concludit, be the richt excellent, richt heich and michtie Prince, IAMES the SEXT, be the grace of God King of SCOTTIS, with avise of his estatis as followis.

EDINBVRGH

Printed by Robert Waldegrave Printer to the Kingis Majestie. 1594.

Cum Priuilegio Regali.

IN THE PARLIAMENT

HALDIN AT EDINBVRGH THE AVCHT day of Junii, 1594. Thir Lawis, ſtatutis and conſtitutionis, ar maid and concludit, be the richt excellent, richt heich and mychtie Prince IAMES the ſext, be the grace of God, King of SCOTTIS, with auiſe of *his Eſtaitis as followis.*

CAP. I

Aganis wilfull heirâris of Meſſe.

OVR SOVERANE LORD, with auiſe of his Eſtaittis of Parliament, Statutis and ordanis, that in all time cumming, all wilfull heirarts of Meſſe and conceilaris of the ſame be execute to the death, and thair gudis and geir eſcheitit to his Hienes vſe, ſa ſoone as thay ſall be found gyltie and convict thairof, or declarit fugitive for the ſame, befoir the Juſtice generall or his deputes, or the Lords of his Maieſties priuie Counſell.

CAP. II.

Anent ſatisfaction to the Kirk be Papiſts.

OVR Soucrane Lorde, with auiſe of his Eſtaitis in this preſent parliament, Ordanis all Preſbytereis within this Realme, To caus lauchfully ſummond and chairge quhatſumeuer perſonis, Papiſtis, or ſuſpectit of papiſtrie within the boundis of their preſbytereis, perſonally, or at thair dwelling places, To compeir befoir the ſaidis Preſbytereis and ſatisfie the Kirk and Preſbyterie, quhair thay remaine and makis reſidence, betuix and the firſt day of Auguſt nixtocum, And incaice of thair not compeirance, or compeiring, ſall refuſe to gif obedience and

make ſatisfaction as ſaid is, betuix and the ſaid day. His Hienes with auiſe of his Eſtaitis foirſaidis, Ordanis ſignification thairof, to be maid be the Presbiterie to his Hienes priuie counſell, And vpon the ſaid ſignification, the priuie counſell to direct letteris, chargeing the ſaidis perſonis, Papiſtis, or ſuſpectit of papiſtrie, To compeir befoir thame, and produce ſufficient teſtimoniall of the Presbiterie quhair thay remane, of thair ſatisfaction as ſaid is, vnder the pane of rebellion, and putting of thame to the horne. And gif thay failzie to denunce thame thairto: Be the quhilk denunciation, our ſaid Souerane Lord and Eſtaitis foirſaidis, declaris, that not only thair moueable gudis, ſall fall in eſcheit and be confiſcat to his Hienes vſe, bot the lyferent of quhatſumeuer thair Landis, rowmis, poſſeſſionis, and vtheris belanging vnto thame, ſal appertaine to his Hienes as eſcheit: To be intromettit with, and diſponit vpon as he thinkis gude. And in like manner declaris, That quhatſumeuer perſon or perſonis ſall reſſet, ſupplie, or interteny the ſaidis Papiſts, efter the intimation of thair diſſobedience and denunciation as ſaid is, ſal incurre the ſame penaltie of tinſall of thair gudes, geir, and lyfrent: And to the effect that the premiſſes may be the better accompliſſit, His Hienes and Eſtaitis foirſaidis declairis: that in cace the ſaidis Presbiteries beis found remiſſe or negligent, in citation of the ſaidis perſonis befoir thame: to the effect aboue writtin. The Miniſteris of the ſaid Presbiterie, or any ane perſone of the miniſterie thairof, in quhome the fault ſalbe tryit: Sall amitt and tyne the ane halfe of thair benefice or ſtipend that zeire: And the collectour and his depute, ſal vplift the ſamin, to be diſponit be the aduiſe of the Lordis modifearis of the Miniſteris ſtipend to the help, ſupplie, and interteynement of vther Miniſteris, as yet not prouidit to ſufficient ſtipendis.

CAP. III.

Aganis erectionis efter the annexation.

OVR Souerane Lord, with auiſe of his Eſtaitis in Parliament, retreitis, reſcindis, and declaris al erections grantit and ratifyit ſen the Act of Parliament, maid in the zeir of God, ane thouſand fiue hundreth fourſcoir ſeuen zeires, anent the annexation of the temporalities to the crowne (quhilkis ar not ſpeciallie excepted in the ſaid act from the ſaid annexation) to be nul and of nane availl force nor effect.

CAP.

CAP. IIII.
For prouiſion of common Kirkis.

OVR Souerane Lord and his Eſtaitis in this preſent Parliament, decernis, and declaris al common kirkis to be of the ſame nature of vther perſonages and vicarages: And ordanis the ſame common kirkis to bee conferrit be preſentation of the lauchfull patrone, and ſufficient collation to Miniſters ſeruing thairat, ſeing thay ar benefices of cure.

CAP. V.
Anent eſcheitis and lyferentis of excommunicat perſonis.

FOR ſamekle as thair is diuers perſonis denuncit rebellis, quha being ſuſpectit of papiſtrie of befoire, and fearing the ſentence of excommunication to haue followit aganis thame, hes procurit the gifts of thair eſcheitis and lyferentis, diſponit be our ſouerane Lord to thair bairnis or vtheris coniunct perſonis, vpon horningis execute aganis thame for cruill cauſſes. And neuertheles hes retenit the poſſeſſion of thair haill gudis, geir, landis, poſſeſſionis, as gif thay had remanit his hienes faithfull and obedient ſubiects, quhilk hes geuin thame occaſion to contineu in thair rebellion, as alſwa in thair ſuperſtitious opinion of papiſtrie, and remaning vnder the ſaid ſentence of excommunication in manifeſt contempt of God his true religion, and lawes of this Realme: for the repreſſing of quhilks contempt and remeid thairof, OVR ſaid Souerane Lord, with auiſe of the Eſtaitis in this preſent parliament, decernis & declaris al and quhatſumeuer giftis of eſcheitis and lyfrentis, grantit to the ſaidis bairnis and coniunct perſonis of ony of the fornamit perſonis denuncit rebels and put to the horne for quhatſumeuer caus (quha being ſuſpectit of papiſtrie of befoir, hes ſufferit the ſentence of excommunication to pas aganis thame. And quhais gudis, geir, lands and poſſeſſionis may be verefeit to haue remanit in thair awin poſſeſſions, as gif thay had remainit faithfull and obedient ſubiectis) to haue bene fra the beginning, and to be in all time comming, null and of nane auaile, with all that hes followit or may followe thairupon. Notwithſtanding, quhatſumeuer decreitis or declaratours gevin and paſt in fauour of the ſaidis rebellis, thair bairnis or coniunct perſonis, and the richt of the ſaid eſcheit gudis, geir, and lyfrentis,

to haif pertenit and to pertene to our said Souerane Lord, and to be at his gift and disposition, als frelie as gif the saidis pretendit gifts and dispositionis thairof, had neuer bene grantit nor disponit to thair saidis bairnis and coniunct personis, and as declaratour had not past thairupon.

CAP. VI.

For the better obseruing of the Sabboth day.

ITEM, our Souerane Lord, and Estaitis of this present Parliament, ratefeis and appreuis, the actis maid be his Hienes of befoir, anent the dischargeing of halding of mercattis vpon the Sabboth day with this addition. That quhatsoeuer prophanis the Sabboth day, be selling or presenting and offering to be sauld vpon the saide day, ony gudis, or geir, or quhatsumeuer vther merchandise be thameselfis or any vther in thair name, and beis thre seuerall times lauchfullie convict thairof, ather befoir the Prouest and Baillies within burgh, quhair the prophanation sall happin to be committit, or befoir certane commissioneris, and Justices in euery Presbytery, to be appointit be the kingis maiestie, with aulse of his priue Counsell, Thair haill gudis and geir salbe escheitit to his Maiesties vse, and thair personis punisit at the will of his Maiestie, with aulse of his secreit Counsell.

CAP. VII.

For releif of thame, quhais landis ar or sall be designit for Mansis and Gleibis to Ministeris.

OVR Souerane Lord and Estaitis of this present Parliament, vnderstanding that there ar sundrie fewaris and possessors, hauing kirklandis neir adiacent to the kirk, quhair thair hes bene na mansis nor gleib of auld, nor zit designit of new, And considdering, that it wer baith aganis reason and gude conscience, that thair suld be ane gleib designit onely of the saidis kirklandis, that pertenis to ane Fewar and possessor, and not of the rest, and specially quhair the haill Lands within the Parochin or ane grit part of the saidis lands, ar alyke haldin of the kirk, and payis the lyke dewtie. THAIRFOIR, to the effect, that the Ministers may be the better answerit of thair mansis and gleibis in tyme

tyme cumming, and enter thairto but ony trouble or contention, Conforme to the former Act of Parliament, maid anent Manſis and Gleibis of the Miniſteris. Statutis and ordanis, that quhair deſignation of Manſis and Gleibis beis maid and tane of kirkland, (the haill Parrochin, or ane greit part thairof being kirkland, And the Miniſter notwithſtanding deſignit to the kirkland maiſt eweſt and adiacent to the kirk) That the fewars, poſſeſſors & takkiſmen, out of quhais lands, the manſis or gleibis ar deſignit, ſal haik thair releif of the remanent parrochineris, quha ar fewaris, poſſeſſors, and takkiſmen of kirklands lyand within the ſaid Parrochin *pro rata*.

CAP. VIII.

Anent ſetting of takkis without conſent of the Patrone.

OVR Soverane Lord, with auile of his Eſtaitis in this preſent Parliament, findis and declaris, That na beneficit man vnder a Prelate, within this Realme may in time cumming, Set langer takkis of teyndis or vtheris pertinentis of thair benefices, without the conſent of thair Patronis, bot for the ſpace of thre zeiris allanerly.

CAP. IX.

Annulling of Actis of Parliament maid in fauour of Vaſſellis of perſonis foirfaltit.

OVR Soverane Lord, and Eſtaitis of this preſent Parliament, caſſis, annullis, and abrogattis the Act of Parliament, maid at Edinburgh the firſt day of Junii. The zeir of God, a thouſand fiue hundreth foure ſcore twelue zeiris, In fauour of the Vaſſellis of the perſonis foirfaltit, And decernis and declaris the ſaid Act to haif na ſtrenth, force, nor effect, And to be delett furth of the buikis of Parliament.

CAP.

THE ACTIS OF KING

CAP. XI.

Anent fraudfull diſpoſitionis maid be perſonis foirfaltit.



VR Souerane Lord, and Eſtaitis of this preſent Parliament, vnderſtanding that diuers perſonis, quha hes committit the crime of treſſon and *Leſemaieſtie*, In defraud of his Hienes, and his donatours, hes maid diuers Bandis, obligationis, letteris of takkis, aſſignationis, giftis of penſionis, letteris of factorie, and diuers other giftis and diſpoſitions, as gif the ſame had bene maid and grantit be thame befoir the cryme of treſſon attemptit be the ſaidis perſonis foirfaltit. FOR remeid quhairof, it is ſtatute and ordanit, that na letteris of penſion, factory, bandis, obligationis or aſſignationis, maid or grantit be ony perſon foirfaltit ſalbe valide, effectuall, ſufficient, nor gif ony action without the ſamin be ather lauchfully contermit be his Maieſtie, or authorizit be ane decreit of an ordinair Judge, obtenit befoir the ſaidis perſonis foirfaltit wer firſt ſummonit, and challengit for the crymes of treſſon, for the quhilkis thay wer foirfaltit. Notwithſtanding quhatſumeuer confirmation or decreit obtenit, and following thairupon ſen thair ſaid firſt citation, vpon the crymes of treſſon laid to thair charge. And in ſpeciall, our Souerane Lord, with auiſe of his Eſtaitis in this preſent Parliament, ſtatutis, decernis and declairis, quhatſumeuer contract, alienation, or diſpoſition of landis, gudis, and geir ony wyſe maide be William ſumtime Erll of Angus, George ſumtime Erll of Huntlie, Frances ſumtime Erll of Erroll, and Sir Patrik Gordoun, ſumtime of Auchindoun, perſonis foirfaltit in this preſent Parliament, in preiudice of his Hienes & his donatours ſen the ſaidis perſonis foirfaltit were firſt ſummonit, to heare and ſie thame foirfaltit · To be null and of nane auail, force nor effect with all that hes followit or may follow thairupon.

CAP. XII.

Ratification of the Actis maid for annexation of the propirtie and annulling of diſpoſitionis maid in Princes minorities.

OVR

OVR Souerane Lord, and Estaitis of this present Parliament, Ratefeis and apprœus the Actis of Parliament, maid be King IAMES the secund, and king IAMES the fyft, intitulat, Anent the annexation of Landis to the Croune. And specially, the Act maid be the said king IAMES the secund vpon the fourth day of August, a thousand foure hundreth fyftie fiue zeiris. And als ane vther Act, maid be the saide king IAMES the fyft, vpon the thrid day of December, The zeir of God, a thousand fiue hundreth and fourty zeiris, and haill points, artickles and clauſles specifyit thairin. And all vtheris Actis maid be ony our Souerane Lordis predecessouris, concerning the keiping of the annexit propertie to remane with the Croune. And further, our said Souerane Lord, with auise of his Estaitis in Parliament, declaris, That all personis quha hes vpliftit, reſſaut, and intromettit with, or sal heirefter intromet with, at his Hienes special command, ony of the kings annexit propertie, be vertue of the saidis Actis of Parliament, Sall incurre na daunger of eiection, spuilzie, or wrangous intromission, And declaris, that thay sall be quyte and free thairof, and all action that may followe thairupon. And lykwise, our Souerane Lord and Estaitis in this present parliament, findis, decernis, and declaris the Act of dissolution, maid be our Souerane Lord in his Hienes minoritie, In the Parliament haldin at Edinburgh, in the zeir of God, a thousand fiue hundreth foureſcoir foure, and all vtheris Actis of dissolution maid be his Hienes, or his saidis predecessouris in thair minorities, althocht the samin Actis and infeftments following thairupon, be ratefeit in Parliament in thair maioritie, To be null and of nane auaill, force nor effect, with all that hes followit or may followe thairupon.

CAP. XII.

Generall dissolution of the propertie.

OVR Souerane Lord, with auise of his Estaitis in this present Parliament, Statutis and ordanis, That it sall be leisum to his Hienes, to set all his auld proper landis, baith annexit and vnannexit in fewferme, Swa that it be nocht in diminution of his Rentale, gerssumes, or vther dewties, Bot in augmentation of the samin, with sic clauſles and conditionis, as he thinkis expedient to the effect foirsaid. And that the landis that he settis in his tyme, stand perpetually to the airis efter the forme

of thair condition, And that this diſſolution indure for the lyftime of the King our Souerane Lord, that nowe is allanerly, Swa that the Landis quhilkis he ſettis in his tyme with the conditionis forſaidis ſall ſtand perpetually. And efter his deceis the annexationis maid of before to returne agane to the awin nature. Swa that his ſucceſſors ſall not haue power, to annalie nor ſet in few, mair nor thay had befor the making of this ſtatute. Prouding, that this ſtatute ſall not extend to the ſetting in fewferme of ony of our Souerane Lordis caſtellis, paiſes, zairdis, woodis, parkis, forreſtis, paſtures for ſcheip and nolt, and in ſpeciall, the lowmoundis of Falkland, coilheuchis, and offices. Bot the ſame to remane inſeperablie annexit to the croune, notwithſtanding this preſent diſſolution. And our Souerane Lord and his Eſtaits forſaidis, decernis and declaris, that this preſent diſſolution, is and ſall be only to this effect, that the ſaidis annext landis ſalbe ſet in few, to the auncient and kindly tenents, poſſeſſors and occupyars of the ground quha wer infeft be our Souerane Lord and his predeceſſors of befoir, and to al vtheris perſonis, quhilk hes heretable infeftment of fewferme, grantit to thame be our Souerane Lord, or ony of his predeceſſoris, thay ſeiſand thair infeftmentis of fewferme, and payand thair compoſitionis thairfoir, to be modefet be his Hienes comptrollare, with auiſe of Iohn, Lord of Thirlſtane Chancellare, Iohn Erll of Mar, Lord Erskin, Iohn Erll of Montroſſe, Lord Grahame, Alexander Lord Leuingſtoun, Robert Lord Seytoun, Mark Lord of Newbottle Maiſter of requeſtes, M. Thomas Lyoun of Balenly Theſaurare, Sir Iohn Cokburne of Ormiſtoun knicht Juſtice Clerk, Walter Commendator of Blantyre, keipar of the priuie ſeall, M. Robert Dowglas Prouoſt of Linclouden, Collector generall, Sir Iohn Carmichaell of that ilk knicht, M. David Carnegy of Culluthie, Alexander Hay of Eiſter Kennet clerk of Regiſter, Alexander Hume of Northberwik Maines Prouoſt of Edinburgh, or ony ſeuin of thame. The ſaid Comptroller alwaies being ane betuix and the firſt day of Auguſt, the zeir of God, ane thouſand fiue hundreth foureſcore fyftene zeiris. Utherwaies, that it be lawfull to his Maieſtie, to ſet the ſaidis annext Landis now diſſoluit to quhatſumeuer perſons his Hienes thinkis expedient. Alwayis on condition of augmentation of his Hienes rentale as ſaid is. And alwa ordanis, this preſent Act of diſſolution, to be extendit in fauour of the Queenis Maieſtie, to haue ſic richts and infeftments of quhatſumeuer Landis pertening to hir as ſhee had of befoire.

CAP.

CAP. XIII.

Anent leſing makers and authouris of ſlaunders.

OVR Souerane Lorde, with auiſe of his Eſtatis in this preſent Parliament, rateſeis, appreuis, and for his Hienes and his ſucceſſors perpetually confirmis the Act maid be his nobill Progenitors, king IAMES the firſt of worthy memory, Aganis Leſing makeris. The Act maid be king IAMES the ſecund, intitulat, Aganis Leſing makeris, and tellaris of thame. The Act maid be king IAMES the fyft, intitulat Of leſing makeris. And the Act maid be his Hienes ſelfe, with auiſe of his Eſtatis in Parliament, vpon the twentie twa day of Maij, the zeir of God, a thouſand fiue hundreth fourſcore foure zeiris, intitulat, For puniſment of the authouris of ſlaunders and vntrew calumnies aganis the Kingis Majeſtie, his Counſell, and proceidings, To the diſdiſhonour and prejudice of his Hienes, his Parentis, Progenitouris, Croune and Eſtait. As lykwiſe, the Act of his Hienes Parliament, haldin at Linlithgow, vpon the tent day of December, the zeir of God, ane thouſand fiue hundreth fourſcore fiue zeiris, intitulat, Aganis the Authouris of ſlaunderous ſpeichis or writtis. And ſtatutis and ordanis all the ſaidis Actis to be publiſt of new, and to be put in execution in tyme cumming with this addition. That quha euer heiris the ſaidis leſings, calumnies, or ſlanderous ſpeichis, or writtis to be maid, and apprehendis not the authours thairof gif it ly in his power, or reueilis not the ſame to his Hienes, Or to ane of his priue Counſall, Or to the Shireff, Stewart, or Baillie of the ſhyre, ſtewartrie, or baillerie, in regalitie or ryaltie. Or to the Prouoſt, or ane of the Baillies within Burgh, be quhome the ſame may cum to the knawledge of his Hienes or his ſaid priue Counſall, quhairthrow the ſaid leſing makers, and authours of ſlanderous ſpeichis may be callit, tryit, & puniſſit according to the ſaidis acts. The hearer & not apprehendare, & (gif it ly in his power) concellar & not reueilar of the ſaidis leſing makers, and authours of the ſaidis ſlanderous ſpeichis or writtis, ſall incurre the lyke pane and puniſment, as the principall offendour.

THE ACTIS OF KING

CAP. XIIII.

Anent payment of the dewtie of the wynis.

IT is statute and ordanit be our Souerane Lord and Estatis of this present Parliament, That the dewtie grantit be the Estatis to his Maiestie vpon the Wynes, be thankfully payit to his Maiesties Collectour in all tyme cumming, within the space of ten dayis nixt efter thair arryuing within this Cuntry. And to this effect, ordanis the Prouest and Baillies of ilk Burgh, within quhais boundis and iurisdiction ony wynes sall arryue in time cumming, To take sufficient caution and souerty of the Merchandis, Mariners, and vtheris hanebringaris of the saidis wynes, That thay sall thankfully pay the saide dewtie grantit to our Souerane Lord thairof, within the space foirsaid, to his Hienes Collectouris appointit for ingaddering thairof. And heirupon ordanis letteris to be direct gif neid beis, baith to chairge the saidis Prouest and Baillies, to tak the said caution, As also, ather to chairge the caution, or then the hanebringaris at the pleasure of the Collectour, To make payment of the said dewtie to his Hienes, within the said ten dayis nixt efter thair arryuing within this Realme, vnder the pane of Rebellion. And gif thay failzie thairin, the saidis ten dayis being bypast, To denunce thame rebells, and put thame to the horne, And that thay be not relaxt thairfra, vnto the tyme thay pay the double of the said dewtie, to the collectour for thair contemption.

CAP. XV.

Annulling of pensionis furth of the erectionis sen the annexation.



VR Souerane Lord with auise of his Estatis in this present Parliament, hes vnite, annexit, and incorporat, and be the tennor of this present act vnitis, annexis, and incorporatis, in his Hienes patrimony and to his Croune. To remane thairwith inseparable in al tyme cumming, all and sundry the few males and bleuche dewties of all Landis, Lordschippis, and Baronies, quhilkis pertenit of auld to quhatsumeuer benefice within this Realme, and haue bene erectit in temporall leuingis befoir, or sen the Act of annexation maid in Julii, a thousand fiue hundreth fourescore seuin zeiris. And thairfoir, haue cassit and annullit, and be the tennor heirof cassis and annullis al and quhatsumeuer pensionis, and vther dispositionis, maid be his Maiestie heir-

heirtofoir ſen the ſaid Act of Annexation, To quhatſumeuer perſon or perſonis of ony part or pertinent thairof, or of ony temporalities of vacand benefices fallin in his Hienes hands at ony time, ſen the ſaid Act of annexation, and that be eſteimit in al tune cumming null, and of nane auaill, notwithſtanding quhatſumeuer confirmation or grant thairof in Parliament, or vtherwaies.

CAP. XVI.

Anent ſouerties for Officiaris of armes.

ITEM, becaus that the ſouerties of all officiaris of Armes, admittit be Lyoun king of Armes, ar fund to him and his Clerk. IT is thairfor ſtatute and ordanit, That thay be chairgit twyſe in the zeir, to produce thair buiks of ſouerties, To the effect our Souerane Lord and his Theſaurare be nocht defraudit of the half of the penalties, for the deputit Officiaris, and this to be vſit to the Theſaurare, in lic ſort as the ſhireff Clerkis, ar ordanit to produce thair hornings, to the effect that execution may follow thairupon. And the Theſaurare to be chairgit with his recept, of the foirſaids penalties in his comptis. And further, ordanis all the ſaidis Officiaris, that hes not found ſufficient caution for dewe adminiſtration in thair office, or quhais cautioneris ar deceiſſit, or ar not ſufficient to find caution of new, betuix and the firſt day of Auguſt nixtocum, vtherwiſe, the not finding of the ſaid caution, is preſently declarit to be caus of thair depriuation. Quhilk depriuation ſall be immediatly publiſſit at the mercat croces of the ſhirefdomes, quhair the ſaidis Officiaris remanis, and al thair executions, fra thence furth to be vnauthentik and null.

CAP. XVII

For tryall of the treuth of acquittances, in ſuſpenſionis.

OVR Souerane Lord, with auiſe of his Eſtatis in this preſent Parliament, vnderſtanding that in times bygane, his Hienes, and his Theſaurare hes bene grettumlie preiudgit anent the eſcheitis of ſic perſonis as hes bene orderly denuncit Rebells and put to the horne, and that throw colluſion of parties, Efter thair lauchfull denunciation, the eſcheits being cum in his hienes hands aggreis with the parties, at quhais inſtance thay ar denuncit and intendis reduction a ganis the partie, the kings Theſaurare and

Aduocat, for annulling of the proces of horning, and denunciation led aganis thame, and obteinis decreit thairintill, be production of antedaittit discharges and acquittances, as gif the soumes, or cauſſe thay wer chargit for, had bene payit, done, and fulfillit, lang befoir the denunciation. FOR remeid quhairof, It is ſtatute and ordanit, that quhensoeuer ony partie grounds thair resonis of ſuſpension or reduction, for annulling of hornings, vpō payment or ſatisfaction maid befoir the denunciation, and produces acquittances or dischairgis thairupon, The producer thairof, ſall be haldin in preſence of the Lordis, to mak faith ſolemnitly ſworne, That the acquittances and discharges produceit ar trew in thame ſelfis, maid and ſubſcryuit, of the ſamin dait, as thay wer produceit, vtherwaies, the vlaris of the ſaidis acquittances not to be hard, to ground ony reſons of ſuſpensions, for annulling of hornings vpon ſic acquittances and diſchairges, nor to vſe the ſame, aganis his Hienes and his Theſaurare.

CAP. XVIII.

Anent haning of the Kingis Parkis and Forreſtis, and incres of wyldefoull and venniſon.

OVR Souerane Lord, and his Eſtaits in this preſent Parliament, foirſeing that his haill Woods, Forreſts, parks, hanyngis, Da, Ra, harts, hynds, fallow deir, pheſane, foullis and vtheris wyld beſtis within the ſame, ar grettumly diſtroyit, and daily decreſſis, be reſſon the Actis and ſtatutis, quhilk ar ſet doune aganis the deſtroyeris of the ſaidis woods, foreſts, parks, hanyngis, and ſlayeris of the ſaidis wyld beſtis hes not bene put to execution. Swa that all men hes tane libertie to deſtroy and ſlay at thair awin appetites. For remeid quhairof and better intertenement of his Hienes royall paſtume in time cumming. It is ſtatute and ordanit, that quhatſumeuer perſon or perſonis at ony tyme heireſter, Sall happin to cut ony timmer or grenewood within his Hienes woods or parks, Or ſall happin to ſlay Deir, hairts, pheſans, foullis, pertricks, or vther wildfoull quhatſumeuer, ather with gun, cors-bow, hand-bow, doggis, halkis, or girnis, or be vther ingyne quhatſumeuer, within the ſame, Or that beis found ſchuting with ony gun thairin, without ſpeciall licence and tollerance of his Maieſtie had and obteinit thairto, Or that ſlayis ony of his Hienes Deir, ſtrayand in time of ſtormes to barne zairds, or vther pairtis maiſt eweſt ſeikand thair ſude,

ſuide, Or beis foundand tryit til haik ſchot with hagbut in the wintter nicht, within ony of the forſaidis woodis or parkis, or within the ſpace of ane myle thairabout, quhether thay be apprehendit flayand the Deir or not, That thair haill gudis, and gere ſall be eſcheit and inbrocht to his Hienes vſe, and thair perſonis puniſſit at his Hienes wil, And this to be an ordinair point of dittay, & the offendour to be criminallie accuſit heiron, in al times heirefter. And alſo, It is ſtatute and ordanit, That gif ony perſon or perſons, ſal happin to put ony of thair gudis within the ſaidis woods, foreſts, parkis or hanings, the ſame ſall be confiſcat and eſcheitit, And that it ſall be leſum to the keiparis, to intromet thairwith at thair awin handis, but ony further proceſſe of Law, And thay to be free of al daunger and action, that in ony wyſe may followe and enſew thairupon, the ane halfe to be employit to our ſaid Souerane Lordis vſe, and the vther half to the Foſteris and keiparis. And lykewiſe, It is ſtatute and ordanit, that no perſon nor perſonis ſall hunt nor haik, within the boundis of ſex myles to ony of his Hienes woods, parks, caſtells, and pallices. And in caſe ony do, in the contrair, that ilk perſon contrauening, ſall pay the ſoume of an hundreth pounds money, the ane half thairof to the dilatouris of thame, and the vther half to his Hienes vſe. And alſ, quhatſumeuer perſon ſal be deprehendit, or tryit til haue ſlane hartis or ony kind of wyld foullis in ſnaw, or ony vther time with gunnes or girnis, or zit beis found to haue ſchot at duke, drake, or hair, or vther wyldefoull with ane hagbut, within ony part of this Realme, that thay ſall be ſubiect to the forſaid penaltie of ane hundreth poundis. And incaſe thay or ony of thame beis not reſponſall, to be puniſſit in thair perſonis at his Hienes will and pleaſour.

CAP. XIX.

Anent the Priuilegis of the college of Iuſtice.

OVR Souerane Lord with aduiſe of his Eſtaitis in Parliament, Ratifeis, approuis and confermis, all and quhatſumeuer priuilegis, liberties, and immunities, grantit of befoir be his Maieſtie, and his maiſt noble Progenitouris, to the Chancelare and haill Senatouris, baith ſpirituall and temporall, and members of the College of Juſtice, for maintenance of thame in thair perſonis, honouris, and dignities, And for bruiking of thair Landis, rents, benefices and penſions, in ſic forme as is contenit in the firſt erection of the ſaid College, And as thay and thair predeceſſors hes bruikit and poſſeſſit ſenſyne, conforme to the ratification

ſication thairof in Parliament, or in ony vther Actis, Lawes, or ſtatutis, maid be his Maieſtie, or his predeceſſouris, in fauouris of the ſaid College, Senatouris, and memberis thairof in al points. Notwithſtanding quhatſumeuer Acts, or conſtitutions that may appeare to derogate the ſame.

CAP. XX.

Anent the declyning of the Senatours of the College of Iuſtice, quha ar Father, brother, or ſonne to the parties.

OVR Souerane Lord, with auiſe of his Eſtatis in this preſent Parliament, ſtatutis and ordanis, That na ſenatouris of the College of Juſtice, ordinare or extraordinare, ſall ſit, or vote in ony action or caus intendit, or to be intendit before thame, quhair the parties perſewer or defender, is ather thair Father, brother, or ſone, Swa that the Father ſal in na wiſe be Judge in the ſonis caus, the ſone in the fathers caus, nor the brother in the brothers, bot be declynit thairin.

CAP. XXI.

Anent the beginning of the harueſt vacance.

OVR Souerane Lord, with auiſe of the Eſtatis of the Parliament, conſidering the greit ſkaith that the Leigis ſuſtenis, throw ſiting of the Seſſion, efter the firſt day of Auguſt, harueſt being in mony partis of the cuntrie, alredy then begun. And vnderſtanding that the Lords of Seſſion, ar content during the haill ſommer Seſſion, to enter in the Tolbuith, & call matters dayly at aucht houris, quhair as thair ordinar dyet, wes not quhill nyne. Thairfoir ſtatutis and ordanis, That the harueſt vacance ſall begin the firſt day of Auguſt, and the Seſſion to ſit bot the laſt day of Julii *incluſiue*.

CAP.

CAP. XXII.

That nane ſall be compellit to produce procuratories or inſtruments of reſignation, precepts of *clare conſtat*, or vther precepts of ſeling of Landis or annualrents, poſſeſſit be thame befoir the ſpace of fourtie zeiris.

OVR Souerane Lord, and Eſtaittis of this preſent Parliament, vnderſtanding that ſundrie of his Hienes Leigis, ar heretablie infeft in diuers landis, and annualrentis within this Realm, lykas thair predeceſſoris & authouris, fra quhome thair richts thairof proceidis, hes bene heretablie infeft in the ſamin Landis and annualrentis, And be vertew of thair ſeuerall infeftmentis, and lyfrentis thairin reſeruit, thay and thair predeceſſouris and authouris, hes bruikit the foirſaidis landis and annualrents be the ſpace of fourtie zeiris togither, Notwithſtanding quhairof, the ſaidis infeftmentis maid and grantit to thame and thair predeceſſouris and authouris, ar ſundrie tymes drawin in queſtion, for laik and want of procuratories of reſignation, inſtruments of reſignation, precepts of clare conſtat, or vtheris precepts of ſealing, quhilkis ar not extant to be produceit, and vſit, in reſpect that the ſamin ar tynt and amittit, partly be iniquitie of time, partlie be periſching of prothogollis and ſcroillis of notaris, partly for non deliuering of the ſamin, be the perſonis, ſellaris, and diſponeris thairof, pairtly becaus the euidentis of compryſit Landis vſis to be abſtractit and withaldin vpon malice of pairties, and pairtly, as euidentis not thocht neceſſair to haue bene keipit, efter ſa lang tyme. Be reaſone, that the charteris makis mention of the procuratories and inſtrumentis of reſignations, and inſtruments of ſealing makis mention of the precepts of ſealing, quhairupon the ſamin proceidis. For remeid quhairof, OVR ſaid Souerane Lord, with aduiſe of the ſaidis Eſtaitis, and haill body of this preſent Parliament, Findis, decernis, and declaris, that nane of his Hienes Leigis, may be compellit, efter the ſpace of fourtie zeiris, to produce procuratories or inſtrumentis of reſignation, precepts of clare conſtat, or vtheris preceptis of ſealing of landis, or annualrentis quhairof the preſent heretable poſſeſſoris and thair predeceſſouris, and authouris, and vtheris perſonis be vertew of lyferentis reſeruit in the ſaidis infeftmentis, ar, and wes in poſſeſſion be the ſpace of fourtie zeiris togither. And that the wanting and inlaik thairof, nor nane of thame, ſal be na caus of reduction of the infeftments grantit to the proprietaris, or thair predeceſſoris or

authouris of the landis or annualrents, quhairof the charter or charters, (makand mention of the reſignation or reſignations to haue bene maid, and the inſtruments of ſeaſing, makand mention of the preceptis of ſeaſing, be vertew quhairof, the ſeaſings wer giuen) ar extant. And willis, ſtatutis, and ordanis, that this Act ſall be extendit, to all procuratories and inſtrumentis of reſignation, precepts of clare conſtat or vtheris preceptis of ſeaſings, The wanting and inlaik quhairof, nocht name of thame, ſall be na cauſe of reduction, nor vther quarrell quhatſumeuer, efter the ſpace of fourtie zeiris, quhair infeftments hes tane effect be poſſeſſion, be the ſaid ſpace of fourtie zeiris, in manner aboue reheirſit, And quhair the chartours and inſtruments of ſeaſing are extant, as ſaid is.

CAP. XXIII.

Ratificationis in this Parliament to be *Saluo iure cuiuſlibet.*

OVR Souerane Lord, and Eſtaitis of this preſent Parliament, decernis and declaris, that na ratification grantit in fauour of particular parties in this preſent Parliament, ſall be hurtfull or preiudiciall to ony of the Leigis of the Realme, nocht hard nor ſpecially callit thairto, Bot all the ſaidis ratifications ſall be vnderſtand and interpret, Saluo jure cujuſlibet.

CAP. XXIIII.

Anent the bying of Landis and poſſeſſionis dependand in pley be Iudgeis or memberis of Courtis.

OVR Souerane Lord, and Eſtaitis of this preſent Parliament, Statutis and ordanis that in tyme cumming, it ſall not be leifum to ony Lordis of the Seſſion, ordinair or extraordinair, Aduocattis, Clerkis, Nottaris, thair ſeruandis, or ony vther member of the College of Juſtice, or ony inferiour iugements within this Realme, thair Deputes, Clerks, or Aduocattis, directly or indirectly be thameſelfis, or ony vtheris

in thair names, to thair behuif or vtilitie, To bye ony landis, teyndis, rowmes or possessions, quhilkis ar dependand in contrauersie or question, betuix ony parties, or hes bene dependand, and not as zit decydit, Quhilk gif thay or ony of thame do, and contrauenis the premissis, The saidis Lords of Session, Aduocattis, Clerkis, Writtaris, thair seruandis, or ony vther member of the College of Justice, or ony inferiour iugementis within this Realme, thair Deputes, Clerkis, and Aduocattis, sal amit and tyne thair office, place, and all priuilegis and immunities bruikit, or that may be bruikit be thame, be vertew thairof.

CAP. XXV.

That caution be found in actionis of ejection.

OVR Souerane Lord, with aduise of the Estatis of this present Parliament vnderstanding the greit disordour, quhilk hes arysen and daily dois aryse amangis his Hienes Leigis, quhair as personis wrangouslie intruding thame selfis, in the rowmes & possessionis of vtheris be bangstrie and force, being altogither vnresponsall thame selfis, mantenis thair possessionthairof, And quhen thay ar challengit befoir the Lordis of the session, or vther Judgeis ordinair, be the partie greiuit, The personis intrusaris of thame selfis in sic possession, delayis the matter, be proponing of peremptor exceptionis quhilkis ar not of veritie, and delayis vpon the probation thairof, And efter lang pley, quhen as the partie greiuit hes gotten decreit, ordaning him to be repossessit to his rowme and profites thairof, his pairtie being vnresponsall altogither, gettis na commoditie thairof, For remeid of the quhilk. It is statute and ordanit, that in all tyme cumming, the partie persewit be an vther, for eiection, sall find caution for the violent profferttis, as in caulles of remouing, the first dyet of the Litiscontestation, or vtherwayis decreit to be geuin, ordainand the pairtie to be repossessit.

THE ACTIS OF KING

CAP. XXVI.

For conſideration of Articles to be proponit in Parliament.

OVR Souerane Lord, and his Eſtaitis in this preſent Parliament, hauing conſiderit the greit fatcherie and inconuenience at ſundrie Parliaments, throw preſenting of a confuſit multitude of doutfull and informall Articles, and ſupplicationis. For remeid thairof in time cumming, Statutis and ordanis, that quhen euer the Parliament is appointit and ordanit to be proclamit, thair ſall ane conuention be appointit of foure of euery Eſtait, to meit twentie dayis befoir the Parliament, to reſſaue all maner of Articles and ſupplications, concerning generall Lawes, or tuitching particular parties. Quhilkis Articles and ſupplications, ſal be delyuerit to the Clerk of Regiſter, and be him preſentit to the perſonis of the Eſtaitis, to be conſiderit be thame. To the effect that thingis reaſonable and neceſſary may be formally maid and preſentit, in a buik to the Lordis of the Articles in the Parliament time, And all impertinent, friuolous and improper materis reiectit, And that na Article or ſupplication, want and a ſpeciall tytle or vnſubſcriuit be the preſentar, ſal be red or anſwerit in that conuention, or parliament following the ſame. It is alwaies prouidit that his Maieſtie may preſent ſic Articles as he thinkis gud, concerning himſelfe or the common weil of the Realme, at all tymes quhen he thinkis expedient.

CAP. XXVII.

Anent ſlauchter, and trubling of parties in perſute, and defence of thair actions.

OVR Souerane Lord, hauing conſideration of the manifauld oppreſſions done with in this Realme, and for the maiſt pairt, occurring betuix parties contending in Juſtice, be proud and vndantonit braggers, boiſters and oppreſſors. And vnderſtanding that thair wes ane act of parliament, maid of lang tyme bypaſt, Firſt in the daies of vmquhil Marie, Queene Drowrier his Hienes Guddame of worthie memory, quhilk wes onely temporall, for the ſpace of thre zeiris nixt following, And approuin be his Hienes

Hienes in his Parliament haldin at Edinburgh, in the moneth of Maii, ane thouland fiue hundreth fourescore fourezeiris, quhairby it wes fund and declarit, that gif ony person, ather persewar or defendar, suld happin to slay or wound to the effusion of blude, Or vtherwaies to inuaid, ane of thame ane vther in ony sort, quhairupon thay micht be criminallie accusit efter the rasing of the summondis, and precepts, and lauchfull execution thairof, or in ony time befoir the compleit execution to be recouerit thairupon, The committar of the slauchter, blude or inuasion in maner foirsaid, Or being airt, pairt, red or counsall thairof, gif it be the defendar, he sal be condampnit at the instance of the persewar, gif he be on lyfe, Or incais of his deceis, the narrest of the kin, quha is slane, without ony probation of the Libell, except summar cognition to be tane of the slauchter, bludsched or invasion, befoir the Justice, or ony vther Juge competent thairto. And gif the persewar slayis, woundis, or inuadis the defendar, as said is, or be airt, pairt, red, or counsall thairof, cognition being tane, incais the defendar be on lyfe, or incais of his deceis, the narrest of the kin, sall haue absolutor fra the persewaris libell. And gif the slayer, schedder of blude, or inuader as said is, hes landis or lyfrentis, and beis denuncit rebell, and put to the horne, for non finding of souertie or non compeirance, to vnderly the law, for the said slauchter, bludsched or inuasion, In that cace, the slayar, schedder of blude or inuader, incontinent efter the denunciation, sall tyne the benefite of his lyfrent, of quhatsumeuer his landis, offices or commodities, as in the saidis Actis and statutis maid thairupon at mair lenth is contenit. Quhilk last act wes also temporal, to indure for the space of seuin zeiris. And now it being knawin to his Hienes, and the saidis Estatis, how necessair the samin is, to be alwayis obserut and keipit in continuall obseruance, as ane vniuersall Law in all time cumming, for repressing of the saidis inuasions. Thairfoir his Hienes, with auise of the Estaitis, and haill body of this present Parliament, ratifies approuis, and affermis, baith the saids first and secund Actis, with the hail points, articles & conditionis contenit thairintill, And ordanis the same to stand, as ane perpetual law in al time cumming.

CAP. XXVIII.

For punissment of Parricide.

OVR Souerane Lord, and Estatis of this present parliament, vnderstanding the abhominable and odious crueltie, that hes bin at sumtimes heirtofoir vsit within this Realme, be Childzen aganis their Parents, in murthering of thame, and taband of thair liues maist vnnaturallie,

lie, hes thairfoir ſtatute and ordanit, that quhatſumeure he be, that hes ſlane, or ſall heireftir ſlay, his Father, or Mother, gudeſchir, or guddame, and hes bene alreddy, or ſall be heireftir convict be ane aſſyis, The committeris of the ſaid cryme, and his poſteritie *in linea recta*, ſalbe diſherifit in all time heireftir, fra thair landis, heritages, takis, poſſeſſionis. And the ſamin ſall appertein to the nixt collaterall and narreſt of blude, quha vtherwiſe micht ſucceid failzeing of the rycht lyne.

CAP. XXIX.

Anent the certane time of Lentren, ſparing of zoung fleſch in the Spring, and brekeris of Lentren, and vther dayis forbiddin to eit fleſch.

OVR Souerane Lord, and his Eſtatis in this preſent Parliament, in reſpect of the greit derth and ſcarſitie of all kind of fleſchis, ſtatutis and ordanis, that in all time cumming the time of Lentren ſalbe certane, fra the firſt day of March *incluſive*, to the firſt day of May *excluſive*. And that na Lambis, nor zoung Veillis within zeir auldis, be ſlane, or eiten befoir Witſonday zeirlie, vnder the painis following. And alſ, ratifies, approvis, and confirmis the Actis of Parliament maid of befoir, Againis the eitaris of fleſche in Lentren, or on the Wedniſday, Friday, or Setterday, in euerie owlke, except the penaltie appointit in the ſaidis Actis againis the contrauenaris thairof. Quhilk our Souerane Lord and Eſtaitis foirſaidis, caſſis, annullis, and haldis that point of the ſame as deleit, and reſeruis the ſaid penaltie as followis, to the effect the ſame may be the better execute. That is to ſay, quhaſoeuir ſalbe tryit to haue contrauenit the ſame, for the firſt fault, ſalbe adiudgit in the ſoume of ten pundis money, for the ſecund, in the ſoume of twentie pundis, and for the third, in the ſoume of fourtie pundis. And ſa ordainis the pane to be multiplyit according to the contempt, and oft contrauening of the ſaidis Actis, And that the ſame may take the better effect, OVR Souerane Lord and Eſtatis foirſaidis, ordanis, that within Borrowis his Hienes Theſaurare nominate ane ſufficient perſon, and that euerie Burgh nominate ane vther, quha ſal haue power to try, ſearch, and ſeik quhatſumeuir perſons contrauenaris of this preſent act, And perſew them befoir the Juſtice generall, or his deputis, monethlie for the ſame. And incais of conviction of ony perſon or perſonis, Ordanis the ane halfe of the penaltie to appertene to our

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Souerane Lord, and the vther hall to the Burgh quhair the conuiction sal happin to be, To be employit be tham as thay sal think gude. Quhilk Act our said Souerane Lord & Estatis foirsaidis, ordanis to be put to execution in tyme cumming, without exception or pretence of ony former licence grantit befoir the date heirof, aswell aganis the cattaris, as aganis fleschouris, cuikis, ostellaris, and vtheris prepareris thairof. And that na licence be grantit heirefter, without ane sufficient testimoniall be schawin to our Souerane Lordis Thesaurare, be ane Minister of Gods word and Doctor of medicine, Apothecare or Chirurgien, of the infirmitie of the persone that suits and crauis the same, vtherwise, the licence to be null. And incais the persone obteinar of the said licence be challengit for contrauening of this present act, The licence sall not be sufficient to absolue the person accusit, except the same togither with the foirsaid testimoniall be lykwaies producit & schawin in Judgment.

CAP. XXX.

For punisment of the committaris of Vsurie.

FOR sameikil as vsurie and ocker, is an greit crime condempnit be the lawis of God and all common welthis, and zit hes bene ouir frequently vsit with in this Realme, thir diuers zeiris bygane, thrw want of ane certane pane and puntsment. Thairfoir our Souerane Lord, with auise of his Estatis in this present Parliament, statutis and ordanis, That quha euer committis vsurie, or ocker in time cumming, directly or indirectly, (that is to say) takis mair profit for the len of money, nor as it cummis to ten pundis in the zeir for a hundreth pundis, or fiue bollis victuall, And swa *pro rata*, quhither the same be greit or smal vpon wed, plege, or obligation, act, or contract aforehand or efter the zeir or tyme, Sall be countit and estemit vsuraris and ockeraris, and the partie, payer, or oblist for the said vnlauchful profit, reuelland the same, sall haue repetition of his pledge, wod, or discharge of his obligation, act or contract, for his reward, And gif the partie receauer conceills the receit thairof, Quhatsumeuer vther man that reueillis and verifies the said ocker, sall haue the said benefite and richt to the soumes of money geuin for ocker, as the giuer micht had, incais he had reuelit it himselfe, and the partie receauar of the said vnlawfull profite or contracter thairanent, to tyne the principall soume, and stok quhilk wes employit be him, for payment of the said vnlawfull profite and ocker.

CAP.

THE ACTIS OF KING

CAP. XXXI.

For puniſment of ſum diſorderis of ſtudents and burſaris.

ITEM, becaus the Burſaris, Students and Maiſters of Collegis, ar greitumlie drawin from thair ſtudies, and oftymes incurris gret ſkaith, and perrell thame ſelfis, and dois dammage vnto vtheris, throw thair licencious liberty, in reſorting nicht and day to free Burghis, armed with ſwordis, piſtolettis, and vther wappins. Thairfoir our Souerane Lord and Eſtaitis of this preſent Parliament, Ordanis the Prouefts and Baillies of his Maieſties free burghis, incais thay find the foirſaidis perſonis or ony of thame, bagand nicht or day, within thair ſaidis townis, armed in manner aboue ſpecifeit, To tak and intromet with thair armour, and to diſpone vpon the ſame as thay think gude.

CAP. XXXII.

For execution of the Actis, anent the ſlauchter of blak or red fiſh, and fry of Salmound.

OVR Souerane Lord, and Eſtatis of this preſent Parliament, vnderſtanding that the Actis of Parliament, maid aganis ſlayeris of blak or red fiſhe in forbidden tyme, deſtroyaris of ſmolts and fry of Salmound, hes not bene put to execution in tymes bygane, be reſſon of the Jurisdiction of the ſhireffis of euery ſhirefdome, impeiding the Prouefts and Baillies of Burrowis, to proſecute iuſtice thairanent. Yes thairfoir ratifeit, and approuin the former Actis, maid Anent ſlaying of Salmond fiſh in forbiddin time, and deſtroying of ſmoltes, &c. And declaris, that it ſall be lauchfull to the Prouefts and Baillies of euery Burgh in time cumming, to proceid aganis the contrauenaris of the ſaidis Actis, gif thay ſall happin, firſt to atteich and apprehend thame, befoir thay be challengit be the ſhireff or his deputs, Notwithſtanding that be the former Actis, the ſaid power was reſtrictit to the ſaidis ſhireffis.

CAP.

CAP. XXXIII.
Anent the Priuilegis of Burrowis.

OVR Souerane Lord with auise of his Estaitis in this present Parliament, Ratefeis, approuis and confermis, the Act and statute maid in his Hienes Parliament haldin at Edinburgh, vpon the fyft day of Junii, The zeir of God, Ane thousand, fiue hundreth, fourscore twelf zeiris, In fauours of the frie Burrowis of this Realme, and thair liberties and priuilegis, agains vnfrie traffiquers, & Anent bling of craftis in all the suburbis of the saidis burrowis, specially bering, That al maner of personis inhabitantis of the saidis Burrowis, exerceand ony maner of traffique in merchandice, or hauing exchange within the same, Sall beir thair part of all stentis, and taxations, watching and warding, in all dewties and suttes perteining to our Souerane Lord, the weil of the Realme, and vtilitie of the Burgh, as at lenth is contenit in the said Act, and all clauses and conditionis thairin contenit, with this addition, that the samin sall be extendit to all Merchandis or craftismen, alsweill frie as vnfrie, that hes na vther dwelling place bot within burgh, and hes thair commoditie within the same burgh, and beiris na burden of taxation without the same Burgh.

CAP. XXXIIII.
Anent the vphalding of the decayed landis within Burgh.

OVR Souerane Lord, with auise of his Estatis of this present Parliament, ratifies and approuis, the Actis and statutis maid be his Hienes maist noble progenitours of worthie memorie, concerning the vphalding of landis giuen in coniunct infeftment, as weil to burgh as land, and for the better execution thairof, and reparation of the decayed policie within Burgh, statutis and ordanis, That the Prouest and Baillies of the Burgh, sall at the instance of the heretouris of the landis within the samin, vpon citation of the partie, tak summar cognition of the estait of the landis, houses, or tenements within the Burgh, be ane condigne inquest of the Nichtbouris thairof. And gif the samin be fund auld, decayit, and ruinous in ruif, sclates, durris, windowis, flueringis, lofts, tymmer werk, and wallis, or ony of thame,

and ane land biggit of auld, and throw lang time decayit in ſic ſort that it be alredy inhabitable, or that within ſhort time may becum inhabitable, in that caſe, to decerne that the coniunct feare or lyfrentar ſall repair the ſaidis landis and tenements in the partis thairof decayed, as ſal be fund be the ſaid inqueſt, within the ſpace of zeir and day, nixt efter thay be requirit thairto be the heretors, And failzeing thairof, declairis that it ſall be frie to the ſaid heretour, to enter to the poſſeſſion of the ſame, to haue the ſetting, raiſing, vſing, and diſponing thairupon, in all tymes cumming, as gif thair wer na lyfrent, or coniunct fie ſtanding thairof. Prouding alwaies, that ſufficient ſecuritie in the Burgh, quhair the landis or tenementis lyis, be tane for termlie payment to the coniunct fearis or lyfrentaris thairof, induring thair lyfetyme of ſic maill and dewtie, as the ſamin preſently geuis the tyme of the ſaid cognition, or mycht reſonablie giue in that eſtait, incaſe it be not preſently ſet, deducand alwaies the annuallis and vther burding lyand thairupon. And this to be extendit to all brunt and waiſt landis, and aganis all coniunct fearis preſent and to cum within Burgh.

CAP. XXXV.

For puniſment of thift, reif, oppreſſion and forning.

OVR Souerane Lord, and his Eſtaitis in this preſent Parliament, Conſidering, that notwithſtanding the ſundrie Actis maid be his Hienes, and his maiſt Noble Progenitouris, for puniſchment of the Authouris of thift, reif, oppreſſion and forning, and maiſteris and ſuſteneris of theuis, zit ſic hes bene, and preſently is the barbarous cruelties, and daily heirſchips of the wickit theuis and Limmeris of the Clannis and ſurnames following, inhabiting the Hielandis and Iles: Thay ar to ſay, Clangregor, Clanfarlane, Clanlawren, Clandowill, Clandonoquhy, Clanchattane, Clanchewill, Clanchamron, Clanranald in Lochaber, Clanranald in Knoydert, Moydert, and Glengarry, Clanlewyd of the Lewis, Clanlewid of Harriche, Clandonald, ſouth and north, Clangilleane, Claniane, Clankynnonun, Clanneill, Clankenzie, Clanandreis, Clanmorgun, Clangun, Cheilphale, And als mony vtheris men of the ſurnames of Stewartis in Athoill, Lorne, and Balquhidder, Campbellis, Grahames in Menteith, Buchannanis, Makcaulais, Galbrathis, Maknabbis, Makanabrichs, Menzeis, Perſonis,

guſonis, Spaldingis, Makyntoiſchis in Athoil, Makchomas in Glenſche, Farquharſoms in Bra of Mar, Makinpherſoms, Grantis, Roſſis, Faſeris, Monrois, Neilſoms, and vtheris inhabiting the ſhiref domes of Argyle, Bute, Dumbartan, Striuiling, Perth, Forfair, Abirdene, Bamf, Elgin Forres, Narne, Innernes, and Cromertie, Stewartries of Stratherne and Menteith. And lykwayis a greit nowmer of wickit Theuis, Oppreſſouris, and peace breakaris, and reſſettaris of thift, of the ſurnames of Armeſtrangis, Ellotts, Nickſonis, Croſſeris, Grahames, Irwingis, Bellis, Cairleillis, Batiſonis, Litillis, Thomſons, Glendoningis, Carutheris, Iohneſtonis, Iardanis, Moffettis, Latimeris, and vtheris inhabiting the boirdours foireanent England, in the ſhirefdomes of Roxburgh, Selkirk, Peiblis, Dumfreis, and ſtewartrie of Annerdaill. In the Murthour, heirſchip, and daily oppreſſion of his Hienes peaceable and gude ſubiects, In the haill cuntries adiacent to the Hielandis and boirdouris, To the diſpleſure of God, contempt and diſhonour of his Hienes perſon and authoritie, And to the waſting & deſolation of a gude pairt of the plentiful ground of the Cuntrie, gif ſpeedy remeid be not prouidit. And vnderſtanding, that this miſchefe and ſchamefull diſoirdour increſeis, and is nuriſchit be the ouerſicht hounding out reſſait, maintenance, and not puniſchment of the Theuis, Limmeris, and vagaboundis, partly be the Landiſlairdis, Maiſteris, and Baillies of the landis and boundis, quhair thay dwell or reſoirtis. And partly, throw the Counſellis, directions, reſſait, and partaking of the chiftanes principallis of the branſches, and houſhalderis of the ſaidis ſurnames and Clannis, quhilkis bearis quarrell, and ſeikis reuenge for the leiſt hurting, and ſlauchter of any ane of thair vnhappy races, although it wer be order of Juſtice, or in reſkewe and following of true mens geir ſtollen or reft. Swa that the ſaid Chiftanes principallis of the branſches, and houſhalderis, worthely may be eſtemit the very Authours, foſteraris, and mantenaris of the wickit deidis of the vagaboundis, of thair Clannis and ſurnames. FOR REMEID quhairof, and that thair may be anis a perfite diſtinction, be names and ſurnames, betuix thame that ar and deſiris to be eſtemit honeſt and trew men, and thame, that ar and eſcheames not to be eſtemit theuis, reifaris, foirnaris, and reſſettaris, and ſuſtenars of thift, and theuis in thair wickit and odious crimes and deidis. IT IS STATVTE and ordanit, that there be ane roll and catalogue maid with al poſſible diligence of all perſons of the ſurnames foirſaidis ſuſpectit of ſlauchter, thift, reif, reſſet of thift or theuis, or ſorning within the ſaidis ſhiefdomes and ſtewartries, in quhat towns, & parrochins, and vnder quhat landiſlordis maſteris or baillies thay dwel. THAT al landiſlords & baill-

chargit, to find ſourtie, to reſeue the King and wardan in the boꝛdoꝛs, and ouer all quhair, to mak thair men, tennants and ſeruandis anſwerable to Juſtice, and to redreſs parties ſkaithit, quhilkis hes not found the ſaid ſourtie alreddy. THAT the haill perſonis ſuſpectit and dilatit of the ſaidis crimes, ſal be giuen in valentynis to thair Maiſters, Landiſlꝛdis oꝛ Baillies, to be preſentit befoir his Hienes Juſtice and his deputtis, and vtheris commiſſionaris oꝛ alleꝛis to be appointit at certane dates and places: That it may be vnderſtand, quha will be obedient, and quha inobedient and fugitiue. SIC Houſhalderis of the ſaidis Clannis, as compeiris, To find caution, foꝛ releif of thair Landiſlꝛds, Sic as compeiris not, to be denuncit rebells and fugitiues. THE Chiftanes, principall of the branſches and houſhalders to be chargit to enter pleigis, foꝛ releif allwa of the Landiſlꝛds. THE pleigis to be deliuerit in keiping to the Noble men, Barons, and Gentilmen, that hes reſſaunt greteſt and lateſt harmes of the ſaidis theuis and ſoꝛners of Clannis, and thair aſſiſteris in thair awin houſes, oꝛ with thair friendis in the Cuntrie, quhair thay think maiſt ſure. GIF the perſonis complenit vpon, compeiris and findis gude ſourtie foꝛ releif of thair Maiſteris and Landiſlꝛds, to bruik thair takkis and tuiles. GIF thay compeir not, oꝛ compeirand findis not the ſaid ſourtie, to be denuncit rebellis, and thair eſcheatis of takkis to be diſponit to thair Landiſlꝛds, foꝛ thair better releif. The complenar to haue action criminall oꝛ ciuill, againis the Landiſlꝛdis, maiſters oꝛ Baillies, oꝛ thair ſourties, foꝛ the attemptat to be committit efter the ſourtie found. THE availe and quantitie of the gudis ſtollen oꝛ reft, oꝛ vther ſkaith done, ſall be referrit to the aith of the complenar, The trueth of the fact being prouin be two wotnelles, oꝛ gif the partie complenit vpon, compeiris not perſonallie befoir the Juſtice, to mak his defence, oꝛ excuſis him not be the aith of his Miniſter perſonally compeirand. NA Landiſlꝛd, to ſet his land, oꝛ to ſuffer his land to be occupeit and poſſeſſit with his conſent, oꝛ reſeue males, greſſume, and dutie foꝛ the occupear thairof, That being of a Clanne, findis not ſourtie, to releue his Landiſlꝛd, betuix and the firſt day of Auguſt nixt, Quhilk gif the Landiſlꝛd omit to ſeik foꝛ his releif, he to be anſwerable to the complenar, criminally oꝛ ciuily, as gif he had done the deid himſelfe. NANE of the ſaidis Clannis, oꝛ vther broken men, thair wiues, barnis, heires, executoꝛs oꝛ aſſignes, ſall haue action criminall oꝛ ciuile againis quhatſumeuir perſonis, Foꝛ eiection, ſpulzie, ſlaughter, heirſalling, oꝛ vther allegit violent deid committit againis thame be ony of his Hienes Leigis, except thay inſtruct with ſummondis, that the perſone allegit hurt, ſpulzeit, ſlaine, oꝛ eiectit,